THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

W.P. No.23279 of 1998

Date: 21.06.2007

Between:

R. Krishna Reddy … Petitioner

AND

The Managing Director, A.P. Scheduled Castes Finance Corporation Ltd., Hyderabad and others … Respondents

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W.P. No.23279 of 1998

O R D E R:

In this writ petition the petitioner has sought for a Writ of Mandamus declaring the action of the respondents in not appointing him in the post of Deputy Executive Engineer on regular basis and continuing him as in-charge Deputy Executive Engineer with the scale of Assistant Executive Engineer, is arbitrary and illegal.

Heard Sri G.V. Shivaji, learned Counsel appearing for the petitioner and none appeared for the respondents.

The proceedings dated 28.02.1997 issued by respondent No.2 shows that in view of the repatriation of Sri Jaleel Ahmed, Dy. Executive Engineer (SW) Kamareddy, to his parent department, the petitioner is kept in-charge on the post of the Deputy Executive Engineer, (SW), Kamareddy. Since the petitioner was merely kept in-charge, his claim for regular appointment is wholly misconceived.

The petitioner failed to rely upon any service regulation governing his services, which prescribe for payment of full pay scale attached to the post of the Deputy Executive Engineer though he is merely kept in charge of the said post. His claim, therefore, for payment of full salary cannot be countenanced. As regards the direction for considering the case of the petitioner for promotion, no counter-

affidavit has been filed by the respondents nor any one appeared on their behalf.

When the petitioner's counsel is asked whether the said post is filled up during the period of almost nine years, which expired from the date of filing of this writ petition, he submitted that he has no information in this regard. It is needless to observe that the respondents cannot continue the ad hocism by keeping the petitioner in charge of the post of the Deputy Executive Engineer for too long. If the respondents have not so far filled up the post of the Deputy Executive Engineer, Kamareddy, Sub-Division, Nizamabad District, on regular basis, they shall take immediate steps to fill up the said post by a regular incumbent. If the petitioner is eligible for being considered against the said post, the respondents shall consider his case, if not already considered, within a period of four weeks from the date of receipt of the copy of this order, provided the vacancy is still in existence.

With the above observations, the writ petition is disposed of. No order as to costs.

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C.V.NAGARJUNA REDDY,J.

Dated:21.06.2007
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